

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESUS VALDEZ MARTINEZ, JR.,

Defendant.

CR 21-06-BLG-DLC

ORDER

Before the Court is the Unopposed Motion of the United States for Issuance of a Preliminary Order of Forfeiture. (Doc. 25.) In its Indictment, the United States sought forfeiture of any of Defendant Jesus Valdez Martinez Jr.'s property, pursuant to 21 U.S.C. § 853, used or intended to be used to facilitate the violations alleged in the indictment, or as proceeds of said violations. (Doc. 7 at 4.)

Mr. Martinez has been adjudged guilty as charged in Counts II and IV of the Indictment, charging him with possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), and being a prohibited person in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). (Doc. 24.) By virtue of being adjudged guilty, the United States is now entitled to possession of the property, pursuant to 21 U.S.C. § 841(a)(1), 21 U.S.C. § 853, and Rule

32.2(b)(2), Federal Rules of Criminal Procedure.

Accordingly, IT IS ORDERED that the motion (Doc. 25) is GRANTED.

IT IS FURTHER ORDERED the United States is authorized and ordered to seize the following property for disposition in accordance with the law, subject to the provisions of to 21 U.S.C. § 853(n)(1):

- \$208 in United States currency;
- \$8,500 in United States currency;
- \$3,040 in United States currency;
- \$73,887 in United States currency; and
- a HS Produkt (IM METAL), model XDE, 9mm, semi-automatic pistol (S/N: HE914112); and
- 9 rounds of 9mm ammunition.

IT IS FURTHER ORDERED that the aforementioned forfeited property is to be held by the United States in its secure custody and control.

IT IS FURTHER ORDERED that pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish at least once for three successive weeks in a suitable means of general circulation notice of this order, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed forfeited property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt

of actual notice, whichever is earlier.

IT IS FURTHER ORDERED that this notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

IT IS FURTHER ORDERED that the United States may also, to the extent practical, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the preliminary order of forfeiture, as a substitute for published notice as to those persons so notified.

IT IS FURTHER ORDERED that upon adjudication of all third-party interests, this Court will enter a final order of forfeiture, pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 26th day of April, 2021.



Dana L. Christensen, District Judge
United States District Court